

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. This Amendment should be entered under Rule 116 because it places this application in condition for allowance.

By this amendment, claim 34, 46, and 47 are amended, and claims 57, 62, and 64 are canceled without prejudice or disclaimer. Claims 34-61 and 63 remain pending in the application.

The Specification is objected to as failing to provide proper antecedent basis for claimed subject matter. In response, claims 62 and 64 are canceled, and the cancellation of these claims renders the objection moot. Withdrawal of this objection is respectfully solicited.

Claims 34-64 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, claims 46, 57, 62, and 64 are rejected under § 112, second paragraph, and claims not specifically mentioned are rejected for depending on one of the above claims. In response, claims 57, 62, and 64 are canceled without prejudice or disclaimer, and the cancellation of these claims renders the rejection of these claims moot. Further, claim 46 is amended to overcome this rejection. Withdrawal of this rejection is respectfully solicited.

Claims 34-45, 47-57, and 61-64 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hiraki (US 2003/0097837) or Nikolaus (US 4,928,487). In response, independent claims 34 and 47 are amended to better define the claimed invention. As such, Applicant respectfully traverses these rejections.

Amended independent claim 34 recites an actuator including, among other things, "a fluid supply means arranged to supply pressurized fluid to both the extend and retract chambers, to maintain the pressurized fluid in the extend and retract chambers at

substantially the same pressure, and to reversibly transfer said pressurized fluid between the extend and retract chambers of the actuator.” Applicant respectfully submits that Hiraki and Nikolaus both fail to disclose at least this feature.

In particular, Hiraki is directed to providing better-balanced pressures between the lower one of pressures PL and PS and the accumulator 10. See paragraph [0194], for example. In Hiraki, a switching valve T5 is used to balance the pressures between PS and accumulator 10 or PL and accumulator 10. However, the pressures PL and PS need not to be substantially the same in Hiraki. In fact, the hydraulic system in Hiraki is designed to be operable under various conditions, including when PL is greater or smaller than PS. See paragraphs [0189]-[0194] of Hiraki. Nowhere does Hiraki disclose, explicitly or implicitly, that the hydraulic pump P1 or the second hydraulic pump P2 is being used to maintain the pressurized fluid in the extend and retract chambers at substantially the same pressure, as recited in amended independent claim 34.

Independent claim 47 is amended to recite, among other things, “maintaining the pressurized fluid in the extend and retract chambers at substantially the same pressure.” Similar to the reasons as presented above, Applicant respectfully submits that Hiraki fails to disclose at least this feature as well.

Furthermore, contrary to the claimed invention, the displacement of the cylinder unit of Nikolaus is mainly driven by pressure difference between the space 13 and the cylinder space 11. See col. 4, lines 3-33 of Nikolaus. Applicant respectfully submits that Nikolaus is silent with regard to maintain the pressurized fluid in the extend and retract chambers at substantially the same pressure, as recited in amended independent claim 34 and similarly recited in claim 47.

To establish a *prima facie* rejection under § 102(b), the applied reference must disclose each and every claimed element. Therefore, Applicant submits that Hiraki and Nikolaus do not anticipate amended claims 34 and 47 for the reasons set forth above.

Cancellation of claims 57, 62, and 64 renders the rejections of these claims moot. Claims 35-45, 46-56, 61, and 63 are likewise patentable over Hiraki for their dependency on independent claims 34 or 47. Withdrawal of these rejections under § 102(b) is respectfully requested.

Claim 46 is rejected under 35 U.S.C. § 103 as being unpatentable over Hiraki. in view of Nikolaus. Claims 34-45 and 47-64 are also rejected under 35 U.S.C. § 103 as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Hiraki and MacLeod (US 6,520,731). Applicant respectfully traverses these rejections.

Initially, for the reasons presented for traversing 102(b) rejections, Application respectfully submits that neither Hiraki nor Nikolaus disclose or suggest "a fluid supply means arranged to . . . maintain the pressurized fluid in the extend and retract chambers at substantially the same pressure," as recited in amended independent claim 34, and similarly recited in amended independent claim 47.

Further, MacLeod is relied upon in the Office Action to disclose a reversible pump. However, MacLeod fails to at least cure the deficiencies of Hiraki and Nikolaus. Also, the AAPA does not disclose or suggest such feature as well. As such, Hiraki, Nikolaus, MacLeod, and the AAPA, either alone or in combination, do not disclose or suggest at least the recited fluid supply means arranged to maintain the pressurized fluid in the extend and retract chambers at substantially the same pressure.

Accordingly, Applicant respectfully submits that independent claims 34 and 47, as amended, are patentable over Hiraki, Nikolaus, MacLeod, and the AAPA. Cancellation of claims 57, 62, and 64 renders the rejection of these claims moot. Claims 35-46, 48-56, 58-61, and 63 are likewise patentable over the cited references for their dependency on independent claims 34 or 47. Withdrawal of these rejections under § 103 is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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